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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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8 UNITED STATES OF AMERICA,

No. 2:16-CR-145-TOR-2

9 Plaintiff,

10 vs.

ORDER DENYING DEFENDANT'S
MOTION TO MODIFY
CONDITIONS OF PRETRIAL
RELEASE, WITH LEAVE TO
RENEW

11 DERRICK JOHN FINCHER,

12 Defendant.
13

☒ Motion Denied

(ECF No. 87)

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15 On December 1, 2016, the Court held a hearing on Defendant's Motion to
16 modify conditions of release, ECF No. 87, and the United States' memo in
17 opposition, ECF No. 88. For personal or business reasons, Defendant desires
18 contact with two named individuals the United States describes as "potential
19 witnesses."

20 Defendant was out of custody and present, with counsel Steve Frampton.
21 Assistant U.S. Attorney Matthew F. Duggan represented the United States in place
22 of the Assistant United States Attorney assigned to the case. Both counsel argued.

23 Counsel were largely unable to address the Court's questions regarding the
24 case-specific factual significance of the individuals with whom Defendant desires
25 contact, or if the United States' interests would be protected if contact was under
26 specific conditions, or whether the parties had considered preserving the witnesses'
27 testimony prior to commencing the proposed contact.

28 The Court, having considered the proffers of Defendant and Plaintiff, and 18

1 U.S.C. § 3142, finds that there is no showing of a material change in circumstances
2 that merits modification of the conditions of pretrial release currently in effect.

3 Accordingly Defendant's Motion, **ECF No. 87**, is **DENIED**, with leave to
4 renew once more information is available.

5 **IT IS SO ORDERED.**

6 DATED December 1, 2016.



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A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE